

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3949-01
BILL NO.: HB 1738
SUBJECT: Business and Commerce; Crimes and Punishment
TYPE: Original
DATE: February 29, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator, Office of Prosecution Services, Department of Public Safety - Missouri Highway Patrol, Office of the Attorney General, and State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Department of Corrections** assume the proposed legislation would have a minimal fiscal impact on their agency since the proposal strengthens some penalties for stealing but also raises the dollar level for receiving stolen property penalties. DOC indicated that if, in the future, the proposed legislation resulted in a significant increase in costs, the department would request additional funding through the appropriation process.

Oversight assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC cannot be determined, but would likely be less than \$100,000.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE			
<u>Department of Corrections</u>			
<u>Cost</u> - Probation or incarceration costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

The proposed legislation would have a fiscal impact on small business in the retail industry.

DESCRIPTION

The proposed legislation makes several changes to provisions regarding the sale of goods and stolen property. The proposal: (1) requires itinerant vendors and peddlers to show receipts to law enforcement officers for new and unused property being sold. "New and unused property" is defined as property that has not been used and is still in its original packaging; (2) allows to be admissible as evidence of intent to steal the possession, use, transfer, or reproduction, of a sales receipt, tag, or universal price code; (3) makes stealing a class A misdemeanor if the property or services are worth less than \$150, a class D felony for property or services worth at least \$150 but less than \$425, and a class C felony if the value is \$425 or more. (4) makes receiving stolen property a class A misdemeanor if the property is valued at less than \$150, and a class D felony if it is worth at least \$150 but not more than \$425. The proposal makes receiving stolen property a class C felony if the property is valued at \$425 or more, or if the person receiving the property is a dealer in goods of the type in question. (5) expands the definition of forgery to include the making of receipts and universal product codes, and the knowing use or transfer of forged receipts and universal product codes; and (6) requires prosecuting and circuit attorneys to collect the face amount of a dishonored check and a service fee from the issuer. The proposal also adds to the remedies available for dishonored checks to allow individuals, their agents or assignees, or holders, to initiate action against the issuer of the check when the matter is not referred to the prosecuting or circuit attorney. The proposal defines that a "reasonable service charge" is not to exceed \$30, and the amount charged by the bank for the dishonored check may also be recovered.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Office of the Attorney General
Department of Public Safety - Missouri Highway Patrol
State Public Defender
Office of Prosecution Services
Department of Corrections



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Director
February 29, 2000

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